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Attorneys for Defendant
UNITED AIRLINES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRELL HUGHES, individually
and on behalf of all others similarly
situated.

Plaintiff,

V.

UNITED AIRLINES, INC.; and DOES
1 through 20, inclusive.

Defendants

Case No. 3:22-cv-08967-LB

**DEFENDANT UNITED
AIRLINES, INC.'S NOTICE OF
MOTION AND MOTION FOR
PARTIAL JUDGMENT ON THE
PLEADINGS**

Hearing Information:
Date: October 26, 2023
Time: 9:30 a.m.
Location: Zoom

1 **NOTICE OF MOTION AND MOTION FOR PARTIAL JUDGMENT**
2 **ON THE PLEADINGS**

3 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE THAT that on October 26, 2023, at 9:30 AM, or
5 as soon thereafter as the matter may be heard, in the Courtroom of the Honorable
6 Laurel Beeler of the United States District Court for the Northern District of
7 California, San Francisco Division, located at 450 Golden Gate Ave., San
8 Francisco, California, Defendant United Airlines, Inc. (“United” or “Defendant”)
9 will and hereby does move this Court for an Order, pursuant to Federal Rule of
10 Civil Procedure 12(c), for partial judgment on the pleadings for the following
11 claims made by Plaintiffs Darrell Hughes and Robin Goings (collectively, the
12 “Plaintiffs”) in the First Amended Complaint (“FAC”):

- 13 1. Full judgment as to Plaintiffs’ First Cause of Action because that claim rests
14 entirely on Section 5 of Wage Order 9, which United is exempt from under
15 that provision’s Railway Labor Act (“RLA”) exemption;
- 16 2. Partial judgment as to Plaintiffs’ Second Cause of Action because California
17 Labor Code § 512.2 exempts airline cabin crew employees covered by a
18 collective bargaining agreement under the RLA from California’s meal break
19 requirements, and thus, Plaintiffs are not entitled to injunctive relief for this
20 cause of action;
- 21 3. Partial judgment as to Plaintiffs’ Third Cause of Action because California
22 Labor Code § 512.2 exempts airline cabin crew employees covered by a
23 collective bargaining agreement under the RLA from California’s rest break
24 requirements, and thus, Plaintiffs are not entitled to injunctive relief for this
25 cause of action;
- 26 4. Partial judgment as to Plaintiffs’ Fourth Cause of Action to the extent that
27 claims rests on Section 9 of Wage Order 9, which United is exempt from

under that provision's RLA exemption;

5. Full judgment as to Plaintiffs' Fifth Cause of Action because there is no private cause of action for this claim, and even if there were, the FAC fails to include sufficient factual allegations in support of this claim; and
6. Partial judgment of Plaintiffs' Seventh Cause of Action because this claim is derivative of the other claims, and thus, also fails to the extent those other claims fail.

The Motion is based upon this Notice of Motion and Motion, the

Memorandum of Points and Authorities in Support of the Motion, the Request for Judicial Notice and corresponding exhibits, all of the papers on file in this action, and upon such other and further evidence or argument that the Court may consider.

Dated: September 15, 2023

Respectfully submitted,
JONES DAY

By: /s/ Amanda Sommerfeld
Amanda Sommerfeld

Counsel for Defendant
UNITED AIRLINES, INC.